

SB1667



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1667

Introduced 2/19/2009, by Sen. Matt Murphy

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-901

Amends the Juvenile Court Act of 1987. Provides that the results of a paternity test in a case in which the court ordered a paternity test shall be disclosed to the Department of Healthcare and Family Services when necessary to discharge the duties of the Department of Healthcare and Family Services under the child support enforcement provisions of the Illinois Public Aid Code in a manner approved by the Presiding Judge of the Juvenile Court.

LRB096 10708 RLC 20886 b

A BILL FOR

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-901 as follows:

6 (705 ILCS 405/5-901)

7 Sec. 5-901. Court file.

8 (1) The Court file with respect to proceedings under this
9 Article shall consist of the petitions, pleadings, victim
10 impact statements, process, service of process, orders, writs
11 and docket entries reflecting hearings held and judgments and
12 decrees entered by the court. The court file shall be kept
13 separate from other records of the court.

14 (a) The file, including information identifying the
15 victim or alleged victim of any sex offense, shall be
16 disclosed only to the following parties when necessary for
17 discharge of their official duties:

18 (i) A judge of the circuit court and members of the
19 staff of the court designated by the judge;

20 (ii) Parties to the proceedings and their
21 attorneys;

22 (iii) Victims and their attorneys, except in cases
23 of multiple victims of sex offenses in which case the

1 information identifying the nonrequesting victims
2 shall be redacted;

3 (iv) Probation officers, law enforcement officers
4 or prosecutors or their staff;

5 (v) Adult and juvenile Prisoner Review Boards.

6 (a-5) The results of a paternity test in a case in
7 which the court ordered a paternity test shall be disclosed
8 to the Department of Healthcare and Family Services when
9 necessary to discharge the duties of the Department of
10 Healthcare and Family Services under Article X of the
11 Illinois Public Aid Code in a manner approved by the
12 Presiding Judge of the Juvenile Court.

13 (b) The Court file redacted to remove any information
14 identifying the victim or alleged victim of any sex offense
15 shall be disclosed only to the following parties when
16 necessary for discharge of their official duties:

17 (i) Authorized military personnel;

18 (ii) Persons engaged in bona fide research, with
19 the permission of the judge of the juvenile court and
20 the chief executive of the agency that prepared the
21 particular recording: provided that publication of
22 such research results in no disclosure of a minor's
23 identity and protects the confidentiality of the
24 record;

25 (iii) The Secretary of State to whom the Clerk of
26 the Court shall report the disposition of all cases, as

1 required in Section 6-204 or Section 6-205.1 of the
2 Illinois Vehicle Code. However, information reported
3 relative to these offenses shall be privileged and
4 available only to the Secretary of State, courts, and
5 police officers;

6 (iv) The administrator of a bonafide substance
7 abuse student assistance program with the permission
8 of the presiding judge of the juvenile court;

9 (v) Any individual, or any public or private agency
10 or institution, having custody of the juvenile under
11 court order or providing educational, medical or
12 mental health services to the juvenile or a
13 court-approved advocate for the juvenile or any
14 placement provider or potential placement provider as
15 determined by the court.

16 (3) A minor who is the victim or alleged victim in a
17 juvenile proceeding shall be provided the same confidentiality
18 regarding disclosure of identity as the minor who is the
19 subject of record. Information identifying victims and alleged
20 victims of sex offenses, shall not be disclosed or open to
21 public inspection under any circumstances. Nothing in this
22 Section shall prohibit the victim or alleged victim of any sex
23 offense from voluntarily disclosing his or her identity.

24 (4) Relevant information, reports and records shall be made
25 available to the Department of Juvenile Justice when a juvenile
26 offender has been placed in the custody of the Department of

1 Juvenile Justice.

2 (5) Except as otherwise provided in this subsection (5),
3 juvenile court records shall not be made available to the
4 general public but may be inspected by representatives of
5 agencies, associations and news media or other properly
6 interested persons by general or special order of the court.
7 The State's Attorney, the minor, his or her parents, guardian
8 and counsel shall at all times have the right to examine court
9 files and records.

10 (a) The court shall allow the general public to have
11 access to the name, address, and offense of a minor who is
12 adjudicated a delinquent minor under this Act under either
13 of the following circumstances:

14 (i) The adjudication of delinquency was based upon
15 the minor's commission of first degree murder, attempt
16 to commit first degree murder, aggravated criminal
17 sexual assault, or criminal sexual assault; or

18 (ii) The court has made a finding that the minor
19 was at least 13 years of age at the time the act was
20 committed and the adjudication of delinquency was
21 based upon the minor's commission of: (A) an act in
22 furtherance of the commission of a felony as a member
23 of or on behalf of a criminal street gang, (B) an act
24 involving the use of a firearm in the commission of a
25 felony, (C) an act that would be a Class X felony
26 offense under or the minor's second or subsequent Class

1 2 or greater felony offense under the Cannabis Control
2 Act if committed by an adult, (D) an act that would be
3 a second or subsequent offense under Section 402 of the
4 Illinois Controlled Substances Act if committed by an
5 adult, (E) an act that would be an offense under
6 Section 401 of the Illinois Controlled Substances Act
7 if committed by an adult, or (F) an act that would be
8 an offense under the Methamphetamine Control and
9 Community Protection Act if committed by an adult.

10 (b) The court shall allow the general public to have
11 access to the name, address, and offense of a minor who is
12 at least 13 years of age at the time the offense is
13 committed and who is convicted, in criminal proceedings
14 permitted or required under Section 5-805, under either of
15 the following circumstances:

16 (i) The minor has been convicted of first degree
17 murder, attempt to commit first degree murder,
18 aggravated criminal sexual assault, or criminal sexual
19 assault,

20 (ii) The court has made a finding that the minor
21 was at least 13 years of age at the time the offense
22 was committed and the conviction was based upon the
23 minor's commission of: (A) an offense in furtherance of
24 the commission of a felony as a member of or on behalf
25 of a criminal street gang, (B) an offense involving the
26 use of a firearm in the commission of a felony, (C) a

1 Class X felony offense under the Cannabis Control Act
2 or a second or subsequent Class 2 or greater felony
3 offense under the Cannabis Control Act, (D) a second or
4 subsequent offense under Section 402 of the Illinois
5 Controlled Substances Act, (E) an offense under
6 Section 401 of the Illinois Controlled Substances Act,
7 or (F) an offense under the Methamphetamine Control and
8 Community Protection Act.

9 (6) Nothing in this Section shall be construed to limit the
10 use of a adjudication of delinquency as evidence in any
11 juvenile or criminal proceeding, where it would otherwise be
12 admissible under the rules of evidence, including but not
13 limited to, use as impeachment evidence against any witness,
14 including the minor if he or she testifies.

15 (7) Nothing in this Section shall affect the right of a
16 Civil Service Commission or appointing authority examining the
17 character and fitness of an applicant for a position as a law
18 enforcement officer to ascertain whether that applicant was
19 ever adjudicated to be a delinquent minor and, if so, to
20 examine the records or evidence which were made in proceedings
21 under this Act.

22 (8) Following any adjudication of delinquency for a crime
23 which would be a felony if committed by an adult, or following
24 any adjudication of delinquency for a violation of Section
25 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the
26 State's Attorney shall ascertain whether the minor respondent

1 is enrolled in school and, if so, shall provide a copy of the
2 sentencing order to the principal or chief administrative
3 officer of the school. Access to such juvenile records shall be
4 limited to the principal or chief administrative officer of the
5 school and any guidance counselor designated by him or her.

6 (9) Nothing contained in this Act prevents the sharing or
7 disclosure of information or records relating or pertaining to
8 juveniles subject to the provisions of the Serious Habitual
9 Offender Comprehensive Action Program when that information is
10 used to assist in the early identification and treatment of
11 habitual juvenile offenders.

12 (11) The Clerk of the Circuit Court shall report to the
13 Department of State Police, in the form and manner required by
14 the Department of State Police, the final disposition of each
15 minor who has been arrested or taken into custody before his or
16 her 17th birthday for those offenses required to be reported
17 under Section 5 of the Criminal Identification Act. Information
18 reported to the Department under this Section may be maintained
19 with records that the Department files under Section 2.1 of the
20 Criminal Identification Act.

21 (12) Information or records may be disclosed to the general
22 public when the court is conducting hearings under Section
23 5-805 or 5-810.

24 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06.)